

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 17, 2005. At the time of the Office Action, Claims 24-32 were pending in this Application. Claims 24-32 were rejected. Applicants respectfully requests reconsideration and favorable action in this case.

Double Patenting Rejection

Claims 24-32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of U.S. Patent 6,675,801 issued to Charles L. Wallace et al. ("the '801 Patent"). The instant application and the '801 Patent are commonly owned by Nellcor Puritan Bennett Incorporation. The '801 Patent is also the parent of the instant application.

Therefore, Applicants submit herewith a Terminal Disclaimer filed in compliance with 37 C.F.R. 1.321, along with the appropriate filing fee to overcome these rejections.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, and a check in the amount of \$180.00, for the Examiner's review and consideration.

Revocation and Appointment of New Attorney/Change of Correspondence Address

Applicants enclose a Revocation and Appointment of New Attorney and respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. **31625** and all telephone calls should be directed to Eric M. Grabski at 512.322.2689.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 24-32.

Applicants enclose a Petition for Extension of Time for three months and a check in the amount of \$1,020.00 for the extension fee. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
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Date: Nov. 17, 2005